

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEVON THACKER,

Plaintiff,

v.

ORDER

17-cv-624-wmc

JAMES LABELLE, JOLINDA WATERMAN,
SANDRA MCARDLE and DR. EUGENE
BURKE,

Defendants.

Pro se plaintiff Devon Thacker, an inmate at the Wisconsin Secure Program Facility (“WSPF”), is proceeding in this lawsuit on an Eight Amendment deliberate indifference claim against defendants James LaBelle, Jolinda Waterman, Sandra McArdle, and Dr. Eugene Burke. On May 26, 2020, defendants filed motions for summary judgment. (Dkt. ## 103, 104, 114.) The court set June 26, 2020, as Thacker’s opposition deadline. That deadline has passed, and Thacker has neither filed an opposition nor sought an extension of time to oppose these motions.

Perhaps Thacker mistakenly believed that his pending motion to compel (dkt. #98) relieved him of this deadline. It did not. Moreover, the motion has no merit. As defendants explain in their opposition, plaintiff did not serve the discovery requests that are the subject of his motion, nor did he seek to confer with defendants’ counsel to discuss his concern that defendants’ responses to the discovery he served in the fall of 2019 were inadequate. As such, the court will deny his motion to compel.

As for the pending motions for summary judgment, the court will give Thacker one more opportunity to respond to defendants’ motions: he now has until **July 28, 2020**, to

file an opposition to each motion for summary judgment. At minimum, Thacker should respond to defendants' proposed findings of facts. If he fails to respond by that deadline, the court will dismiss this lawsuit with prejudice for Thacker's failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

ORDER

Accordingly, IT IS ORDERED that:

- 1) Plaintiff Devon Thacker's motion to compel (dkt. #98) is DENIED.
- 2) Plaintiff may have until July 28, 2020, to file a response to each motion for summary judgment. **If Thacker does not file a response by that deadline, the court will dismiss this lawsuit with prejudice for plaintiff's failure to prosecute.**

Dated this 7th day of July, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge